

DEQ PERMIT APPLICATION FOR NEW OR EXPANDED MINOR SURFACE WATER WITHDRAWALS



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PURPOSE

This form is intended for use by applicants who propose to withdrawal water from a surface water body(ies) in the Commonwealth of Virginia that total *less than* 90 million gallons per month in accordance with Virginia Water Protection Permit Regulation 9 VAC 25-210-80 C, and for any encroachment requiring permits from the Virginia Marine Resources Commission (VMRC) pursuant to Chapters 12, 13, and 14 of Title 28.2 of the Code of Virginia. Please note that other Federal, State, or local laws and regulations may apply to your project. Other resource protection agencies and local governments, such as local erosion and sediment control programs, health departments, and localities subject to the Chesapeake Bay Preservation Act, do not use this application form and may have different informational requirements. The *applicant* is responsible for contacting these agencies for information regarding their permitting requirements.

*If the structures, equipment, or methods for withdrawing the surface water involve disturbing or flooding wetlands, or permanent construction involving Submerged lands (beds of bays, rivers or creeks), **Please Do Not Use This Form** to apply. Instead, visit the U.S. Army Corps of Engineers web site <http://www.nao.usace.army.mil/Regulatory/JPA.html> and use the Standard Joint Permit Application form to apply. Some examples of withdrawals for which this APPLICATION FOR NEW OR EXPANDED MINOR SURFACE WATER WITHDRAWALS may be used are: suction pipes or hoses placed on the ground surface and/or over the bank of a stream; suction pipes or hoses placed on top of the stream bed (this example does not apply in wetlands); and suction pipes or hoses fixed to the piling of an existing, permanent dock, or fixed to an existing floating dock. In these examples, and others not stated here, no digging or dumping of material occurs in a wetland, or on submerged lands.*

The following instructions and information are designed to assist you in applying for permits for minor water withdrawals. These instructions do not supersede information requirements contained in any applicable regulations covering the proposed activities.

INSTRUCTIONS

Complete all sections of the form with as much information as possible. Attach a set of 8 ½ x 11 inch drawings, detailing all components of the proposed withdrawal water, such as pumps, pipes, hoses, screens, supports, utilities, intakes, etc. If you cannot include all of your project site on one page at a scale no smaller than 1" = 200', submit a set of 8 ½ x 11 inch match-line drawings **and** a set of large-sized drawings at a scale no smaller than 1" = 200'. If oversized drawings are used, attach **five** copies of the oversized drawings to your application. Municipal, golf course, and mining users should include cross-sectional drawings having the additional information noted below, as a minimum. Drawings should include the following information *at a minimum*:

- ❖ Name of project
- ❖ North arrow
- ❖ Scale
- ❖ Waterway name, if designated
- ❖ Existing contours
- ❖ Proposed contours (if available)
- ❖ Width of waterway from the mean high water level to the mean high water level (tidal areas), or the ordinary high water mark to the ordinary high water mark (nontidal areas)
- ❖ Direction of flood and ebb (tidal areas), and/or direction of flow in nontidal areas (if applicable)
- ❖ Mean low water level and mean high water level (tidal areas), or ordinary high water mark (nontidal areas)
- ❖ Existing and proposed structures, labeled as 'existing' or 'proposed', and their dimensions.

Submit this form and additional answer sheets to the VMRC at the address noted at the top of this form.

Do not send any permit application fees with the application, as fees are subject to change. Permit application fees required by DEQ for VWP permits are provided on DEQ's Website at <http://www.deq.virginia.gov> or on the Commonwealth of Virginia's Website at <http://leg1.state.va.us/000/reg/TOC.HTM> under 9 VAC 25-20 et seq. A DEQ project manager will contact you regarding the proper fee and submittal requirements after receiving your application package. After being contacted by the DEQ, mail the permit application fee and the Permit Application Fee Form to the DEQ address provided on Fee Form. Please note that when completing DEQ's Permit Application Fee Form, make sure that the applicant name and facility (project) name are the same as those reported in your application. Water withdrawals for agriculture are exempt from permit application fees. VMRC permit fees are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. The proper fee is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper fee and submittal requirements.

PROCESSING AFTER APPLICATION

VMRC will assign a permit application number to your application and then distribute copies of the application to the other applicable regulatory agencies. The initial application for surface water supply projects that requires both an individual Virginia Water Protection Permit and a Virginia Marine Resources permit under § [28.2-1205](#) shall be advertised concurrently by the Department of Environmental Quality and the Virginia Marine Resources Commission. Such advertising shall be paid for by the *applicant*. All agencies will conduct separate but concurrent reviews of your project. Please be aware that while one application was submitted, each agency must issue a separate permit (or a notification that no permit is required). Therefore, *make sure that you have received all necessary authorizations, or documentation that no permit is required from each agency, prior to beginning the proposed work.*

During the application review process, site inspections may be necessary to evaluate a proposed project. Failure to allow an authorized representative of a regulatory agency to enter the property, or to take photographs of conditions at the project site, may result in either a permit application withdrawal or a permit denial.

For certain Federal and State permits, a public notice is published in a newspaper having circulation in the project area, mailed to adjacent property owners, and/or posted on the agency's Web page. The public may comment on the project during a designated comment period, which varies from agency to agency. Some agencies accept comments during the permit review process, while others only accept comments on draft permits. Comments are evaluated and a decision is made whether to issue a permit, issue a permit with special conditions, or to deny a permit. *You may be responsible for bearing the costs for advertisement of public notices and will be notified of your responsibility accordingly.*

Protested applications for VMRC permits which can not be resolved, projects costing over \$50,000 involving encroachment over State-owned subaqueous land, and all projects affecting tidal wetlands in localities without a Local Wetlands Boards (LWBs) will be scheduled for public hearings by VMRC at their regularly scheduled monthly commission meetings. Public hearings will be held by LWBs in tidewater localities that have adopted and administer the tidal wetlands ordinance. All interested parties will be officially notified regarding the date and time of the hearing and Commission meeting procedures. The Commission will make a decision on the project at the meeting unless a decision for continuance is made. If a proposed project is approved, a permit or agency correspondence is sent to the applicant. In some cases a notarized signature, as well as processing fees and royalties, are required before the permit is validated. If the project is denied, the reason(s) for denial will be provided in writing.

APPLICATION FORM

FOR AGENCY USE ONLY

Application Number:

Applicant(s) - PLEASE PRINT OR TYPE ALL ANSWERS TO THE QUESTIONS BELOW. If a question does not apply to your project, please print N/A (not applicable) in the space provided. *If additional space is needed, attach extra 8 1/2 x 11 inch sheets of paper.*

1. PROJECT LOCATION INFORMATION (Attach a copy of a map, such as a USGS topographic map or similar map showing all locations of all withdrawals associated with the application. Include an arrow indicating the North Direction.)

City/County:

If your project crosses the boundaries of two or more localities, please name those localities:

Name of waterbody or waterbodies from which the water withdrawal occurs:

Tributary(ies) to:

2. APPLICANT(S), AGENT, AND PROPERTY OWNER(S)

The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is authorized to represent the applicant(s).

Applicant(s)				Agent (if applicable)			
Mailing address				Mailing address			
City		State	Zip Code	City		State	Zip Code
Phone number w/area code		Fax (if applicable)		Phone number w/area code		Fax (if applicable)	
E-mail (if applicable)				E-mail (if applicable)			
Property owner(s) (if different from applicant)							
Mailing address							
City		State	Zip code				
Phone number w/area code		Fax (if applicable)					
E-mail (if applicable)							

3. PUBLIC NOTIFICATION (Attach additional sheets if necessary)

- Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove.
- If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.

Property owner's name	Mailing address	City	State	Zip code

Name of newspaper having general circulation in the area of the project: _____

Address and phone number (including area code) of newspaper

4. WATER WITHDRAWALS (DOCUMENTATION OF ALL WITHDRAWALS ASSOCIATED WITH THE PROJECT)

List each withdrawal associated with the project and provide its location, such as on a map and/or in a narrative so that DEQ may locate the withdrawal point. Include the latitude and longitude if known.

4. WATER WITHDRAWALS (continued)

For each listed withdrawal above, provide the requested withdrawal volume and the time period over which this amount is to be withdrawn. *Insert additional 8.5" x 11" pages if necessary.*

Municipal water supplies must provide the maximum daily withdrawal in million gallons per day, the maximum pumping rate in gallons per minute and the amount of water to be used in a year in billion gallons. For projects where the withdrawal is expected to increase over time, such as municipal withdrawals, these values should be given for the end of the permit term (typically 15 years).

Golf courses must provide the maximum pumping capacity in gallons per minute; the maximum daily withdrawal in million gallons per day; the maximum monthly withdrawal in million gallons for each month that withdrawals would occur; and the total amount of water expected to be withdrawn in a drought year and in an average year. Golf courses must also provide documentation to justify the amount of water withdrawal, such as the amount of acreage under irrigation, the acreage of fairways versus greens, and the potential evapotranspiration deficit and assumed irrigation efficiency.

Agricultural withdrawals must provide the maximum pumping rate in gallons per minute, the maximum daily withdrawal in million gallons per day, and the maximum monthly amounts in million gallons. If Agricultural users wish to use units such as acre-inches or acre-feet of water, DEQ will convert these values to gallons after receiving your application. Agricultural users must supply documentation justifying their requested withdrawal amount, such as type of crop, acres irrigated, inches of water applied, and frequency of application.

Other users of withdrawals for purposes other than those described above must provide the amounts of water to be withdrawn, the timeframe over which the water is to be withdrawn, and sufficient documentation to justify the requested withdrawal amounts.

5. PUBLIC SURFACE WATER SUPPLY PROJECTS ONLY

A public surface water supply withdrawal is defined as: "a withdrawal of surface water in Virginia or from the Potomac River for the production of drinking water, distributed to the general public for the purpose of, but not limited to, domestic use". *Please provide the following information on separate sheets of paper, as per 9 VAC 25-210-115:*

For all proposed projects, the applicant shall demonstrate to the satisfaction of the board that practicable alternatives, including design alternatives, have been evaluated for the proposed activity and that the proposed activity, in terms of impacts to water quality and fish and wildlife resources, is the least environmentally damaging practicable alternative. Any alternatives analysis conducted specifically for public surface water supply withdrawal projects, shall include:

(A) The range of alternatives to be analyzed by the applicant, as follows: (1) All applicable alternatives contained in the local or regional water supply plan developed in accordance with 9 VAC 25-780, et. seq.; (2) Alternatives that are practicable or feasible from both a technical and economic standpoint that had not been identified in the local or regional water supply plan developed in accordance with 9 VAC 25-780, et. seq.; (3) Alternatives that are available to the applicant but not necessarily under the current jurisdiction of the applicant; and (4) Water conservation measures that could be considered as a means to reduce demand for each alternative considered by the applicant.

(B) The applicant shall provide a narrative description that outlines the opportunities and status of regionalization efforts undertaken by the applicant.

(C) The criteria used to evaluate each alternative for the purpose of establishing the least environmentally damaging practicable alternative, which includes but is not limited to: (1) Demonstration that the proposed alternative meets the project purpose and project demonstrated need as documented pursuant to 9 VAC 25-210-115 A and B; (2) Availability of the alternative to the applicant; (3) Evaluation of interconnectivity of water supply systems (both existing and proposed); (4) Evaluation of the cost of the alternative on an equivalent basis; (5) Evaluation of alternative safe yields; (6) Presence and potential impact of alternative on state and federally listed threatened and endangered species; (7) Presence and potential impact of alternative on wetlands and streams (based on maps and aerial photos for all alternatives, field delineation required for preferred alternative); (8) Evaluation of effects on instream flow; and (9) Water Quality Considerations, including: (i) Land use within a watershed where the type of land use may impact the water quality of the source; (ii) The presence of impaired streams and the type of impairment; (iii) The location of point source discharges; and (iv) Potential threats to water quality other than those listed in (i) through (iii) of this subsection.

6. APPLICANT(S) AND/OR AGENT CERTIFICATIONS

READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING

I am hereby applying for permits typically issued by DEQ, VMRC, the U.S. Army Corps of Engineers, and Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Applicant's name (printed or typed)	Second applicant's name (printed or typed)
Applicant's signature	Second applicant's signature
Date	Date

6. APPLICANT(S) AND/OR AGENT CERTIFICATIONS (continued)***CERTIFICATION OF AUTHORIZATION TO ALLOW AGENTS TO ACT ON APPLICANTS' BEHALF (IF APPLICABLE)***

I, _____, hereby certify that I have authorized _____
(APPLICANT'S NAME) (AGENT'S NAME)
to act on my behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all
standard and special conditions attached. We hereby certify that the information submitted in this application is true and accurate
to the best of our knowledge.

Applicant's signature	Second applicant's signature	Agent's signature
Date	Date	Date